

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/537,366 Confirmation No. 2649  
Applicant : Roger Braun et al.  
Filed : September 1, 2005  
TC/A.U. : 1787  
Examiner : Thao T. Tran

Docket No. : 05-374  
Customer No. : 34704

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

DECLARATION

I, ROGER BRAUN, hereby declare that:

1. I am one of the inventors of the above-captioned U.S. patent application;
2. I have read and understood the above-captioned application; have read and understood the claims currently in the above-captioned application; and have read and understood the office action mailed May 5, 2010 in which claims 31 - 49, 51 - 71, and 87 - 88 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,980,404 to Aydin et al.;
3. I understand that the independent claims in said above-captioned patent application call for a one-component adhesive which is block-free.

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4. I am a woodworking engineer and technical director of the Assignee's plant. In the course of my work, I am in charge of manufacturing wood panels.

5. At the time of the conception of the invention embodied in the above-captioned patent application, I was in charge of the project which led to the invention and was working closely with a supplier of adhesives;

6. In my daily work, I work with adhesives. I am familiar with the techniques for storing and applying adhesives.

7. I have reviewed said U.S. Patent No. 4,980,404 to Aydin et al. and I know from my experience that the expert cannot read from this patent if it discloses a block-free adhesive. I understand the difference between "shelf-life" and a block free adhesive.

"Shelf-life" according to Webster's Dictionary online means the period of time during which a material may be stored and remains suitable for use. Shelf-life thus denotes a period of time prior to use. Accordingly, Aydin sets "a shelf-life of not less than 6 months" as a prerequisite for an acceptable adhesive (Col. 1, lines 46-51 of US 4,980,404) and thus links the shelf-life properly to a given period of time.

Being "block-free" is a property of an adhesive which is not linked to a period of time. An adhesive either is block-free or it is not block-free. A block-free adhesive does not clog in the presence of dust (see present patent application as originally filed with the USPTO, paragraph

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10). While "shelf-life" refers to a period prior to use of the adhesive, being "block-free" refers to the adhesive once it has been applied. It has to be applied to a substrate which is exposed to dust in order to give proof of this property of the adhesive. Such exposure is not described. Accordingly, Aydin does not address or disclose information about a block-free adhesive.

In the last communication of the USPTO it is stated that Aydin optionally allows to add tackifying additives to the adhesive he provides. I cannot read this from US 4,980,404. I only read that it is common to add tackifiers in known adhesives (col. 1, lines 29-35) which are not relevant in the present discussion. For the adhesive disclosed by Aydin, it is stated on col. 3, lines 52-63 that "other resins conventionally employed in the adhesives sector" might be added to the adhesive devised by Aydin. Such "other resins", however, might themselves be block-free or tacky. No pertinent details are disclosed in US 4,980,404 and can thus not be read from said document. Neither is described if such "other resins" influence or change the properties of Aydin's adhesive.

While being concerned with resolving the problem of finding a suitable adhesive for an element which is at least partly covered with glue at a manufacturing site and which shall be joined with another element at a later time at a building site where the element coated with adhesive is exposed to dust, the Aydin document would not help me in finding a suitable adhesive.

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The Aydin document does not refer to a situation as described above. Aydin was looking for an adhesive with good high-temperature strength and with a long shelf-life. Both parameters are meaningless with regard to the problem I aimed to resolve in 2003. Properties of the adhesive which are helpful and pertinent to the problem to be solved cannot be discussed from the Aydin document.

Only to complete my observations, I state that I found a static friction of at least about 1 N/mm<sup>2</sup> to be necessary for an adhesive according to the invention. Aydin does not comment at all on static friction. He tests the adhesive power by trying to lift the objects glued onto the substrate covered with adhesive by applying a force at a 90° angle: "The high temperature strength was determined at 90 °C and at an angle of 90 ° under a load of 500 g/5cm" (col. 5, line 67/87).

In order to test static friction, strength testing has to be done at an angle of 0 °, i.e. substrate and object glued onto the substrate have to be moved laterally to each other, they have to be sheared. Aydin does not describe such tests. It is not possible to deduct the static friction of an adhesive from the tests conducted by Aydin. Again: the strength test conducted by Aydin is not applicable to the situation I had in mind in 2003.

8. It is my understanding that since the Aydin et al. patent does neither disclose a block-free one-component adhesive nor an adhesive with a static friction of at least

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about 1 N/mm<sup>2</sup>, it does neither anticipate the invention set forth in the above-captioned patent application.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



ROGER BRAUN

Dated: 22.10.2010